



ocket No.: 50014-042

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
Fredrica V. COATES :
Serial No.: 09/512,085 : Group Art Unit: 3761
Filed: February 24, 2000 : Examiner: K. Reichle
For: PROTECTIVE UNDERGARMENTS HAVING ANCHORED POCKETED-SLING
STRUCTURES AND MANUFACTURING METHOD THEREFOR

#16
1/10

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, DC 20231

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Sir:

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This is in response to the Office Action, issued on December 11, 2002, in which claims 1-18 are subject to restriction and/or election. Specifically, Applicant is required to elect a single disclosed species for prosecution on the merits. The purported species are those of Figs. 1-1G, Figs. 2-2E, Figs. 3-3F, Figs. 4-4B, Figs. 5-5B, Figs. 6-6B, Figs. 7-7B, Fig. 8 and Fig. 9, respectively. The Examiner notes some apparent inconsistency in the subject matter intended to be covered by claims 4-6 and 15 that previously read on the species of Figs. 7-9, yet depend from claim 1 which is directed to Figs. 1-6.

Applicant elects the species of Figs. 1-1G. Claims 1-3 and 10 read on the elected species.

This election is made with traverse. Under MPEP §803, if a search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits. In the instant application, an Office Action dated December 7, 2001 has already been

issued in which claims 1-18 were fully examined. Accordingly, no burden on the Examiner will be undertaken by continued examination of all claims.

Applicant recognizes that the election was issued as a result of remarks in the previous response setting forth that claim 1 was directed to a device of Figs. 1-6, while claim 16 was directed to the device of 7-9, whereas claims 4-6 and 15 previously read on Figs. 7-9 that depend from claim 1. To clarify the record, accompanying herewith is a Supplemental Amendment, in which claim 4 is cancelled, and claims 5, 6 and 15 amended for dependency from and consistency with claim 16. Claims 5, 6 and 15 are further amended to present wording consistent with claim 16. Accordingly, claims 5, 6, 15 and 16 are directed to the embodiment of Figs. 7-9, whereas the other claims are directed to Figs. 1-6.

In an accompanying Notice of Non-compliance, The Examiner noted a variance in wording between the certification provided in the August 6, 2002 Information Disclosure Statement ("IDS") compared to that set forth in MPEP §609. Applicant hereby certifies the following, to correct the record:

*W. Todd
3-13-03*


The undersigned certifies that, to best of his knowledge, each item of information contained in the Supplemental Information Disclosure Statement, filed on August 6, 2002, was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Supplemental Information Disclosure Statement as described in 37 C.F.R. §1.97(e)(1).

It is presumed that the foregoing amply addresses both the December 11, 2002 restriction requirement and accompanying Notice of Non-compliance of the August 6, 2002 IDS certification.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

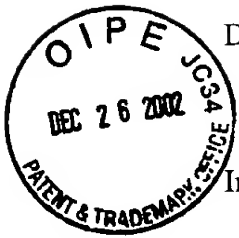
Respectfully submitted,

MCDERMOTT, WILL & EMERY



Stephen A. Becker
Registration No. 26,527

600 13th Street, N.W.
Washington, DC 20005-3096
(202) 756-8000 SAB:men
Facsimile: (202) 756-8087
Date: December 26, 2002



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SUPPLEMENTAL AMENDMENT

Commissioner for Patents
Washington, DC 20231

Sir:

Please further amend the application as follows:

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IN THE CLAIMS:

Please cancel claim 4, and amend claims 5, 6 and 15 as follows:

5. (Amended) A protective undergarment as in claim [4] 16, wherein the periphery of the pocket is stitched to the [anchor] second layer.

6. (Amended) A protective undergarment as in claim [4] 16, wherein the periphery of the pocket and [anchor] second layer are joined at an elastic strip.